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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,456	07/27/2001	Allan Losey	60426-321; 2001P07472US01	8736
24500	7590	10/05/2004		EXAMINER
SIEMENS CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			DALENCOURT, YVES	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/916,456	LOSEY, ALLAN
	Examiner	Art Unit
	Yves Dalencourt	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 August 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-19 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1,2,4-7,19 and 30-32 is/are allowed.
- 6) Claim(s) 8-18, and 21-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to Request for Continued Examination (RCE) filed on 08/20/2004.

Response to Amendment

The examiner has acknowledged the amended claims 1, 2, 4, 5, and 19.

Response to Arguments

Applicant's arguments, see (page 9, second paragraph), filed 06/24/04, with respect to the rejection(s) of claim(s) 1, 2, 4 – 7, 19, and 30 – 32, under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, claims 8 – 18, and 21 – 29 are rejected under 35 U.S.C. 103(a) over Liu and Hammons .

Regarding Applicant's argument (page 10), the examiner maintains that Liu does suggest sending a signal beyond the vehicle once life-threatening conditions are detected in order to alert the vehicle driver or others about the dangerous condition (col. 5, lines 3 - 12, col. 7, lines 29 – 45).

In response to Applicant's argument that there is no suggestion to combine the references (page 10), the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a

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motivation be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughling*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA) 1969.

In view of such, the rejections of claims 8 – 18, and 21 – 29 are as follows:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 - 18, and 21 - 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al (US 6263272., hereinafter Liu) in view of Timothy E. Hammons (US 5791407., hereinafter Hammons).

Regarding claims 8, 21 - 22, 25 - 26, and 29, Liu teaches a remote vehicle operation system and method (fig. 1) comprising a temperature sensor 14, figure 1 to control the temperature of a vehicle interior (the claimed an environment conditioning subsystem in a vehicle; and a communication unit (12, fig. 1) in communication with said environmental conditioning subsystem (paragraph bridging col. 4, line 65 through col. 5, line 3), said communication unit for transmitting a signal beyond said vehicle

when said environmental conditioning subsystem meets a predetermined condition (col. 5, lines 3 - 12, col. 7, lines 29 - 45, once life-threatening conditions are detected, the vehicle driver can be alerted by receiving a page signal from the communications system 21, claimed transmitting a signal beyond said vehicle).

Liu teaches all the limitations, but fails to specifically teach that said environmental conditioning subsystem comprising at least one of an air conditioner and a heating unit.

However, Hammons teaches, in the same field of endeavor, a remote and programmable in dash defrost/cooling system, wherein said environmental conditioning subsystem comprising at least one of an air conditioner and a heating unit (fig. 1, col. 2, lines 24 - 62).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used an environmental conditioning subsystem that comprises at least one of an air conditioner and a heating unit in Liu's device as taught by Hammons for the purpose of providing a remote unit that enables a user to remotely enable the system such as the environment conditioning system.

Regarding claim 9, Liu and Hammons teach all the limitations in claim 8, and Liu further teaches a remote vehicle operation system, wherein said communication unit is a horn (col. 7, lines 29 - 31).

Regarding claim 10, Liu and Hammons teach all the limitations in claim 8, and Liu further teaches a remote vehicle operation system, wherein said communication unit is at least one vehicle headlight flashing (col. 7, lines 29 - 31., claimed vehicle light).

Regarding claim 11, Liu and Hammons teach all the limitations in claim 8, and Liu further teaches a remote vehicle operation system and method, wherein a Global Positioning System (GPS), which inherently comprises at least one transmitter and at least one receiver is part of communications system 21 (col. 7, lines 37 - 40).

Regarding claim 12, Liu and Hammons teach all the limitations in claim 11, and Liu further teaches a remote vehicle operation system, wherein said communication unit is at least one receiver is portable (col. 7, lines 34 - 37).

Regarding claim 13, Liu and Hammons teach all the limitations in claim 8, and Liu further teaches a remote vehicle operation system, wherein said communication unit is at least one receiver is a phone (col. 7, lines 40 - 45).

Regarding claim 14, Liu and Hammons teach all the limitations in claim 8, and Liu further teaches a remote vehicle operation system, wherein said communication unit is at least one sensor in communication with said communication unit for sensing temperature (14, figure 1., paragraph bridging col. 4, line 65 through col. 5, line 12., claimed predetermined condition).

Regarding claim 15, Liu and Hammons teach all the limitations in claim 8, and Liu further teaches a remote vehicle operation system, wherein said predetermined condition relates to temperature reaching a desirable temperature within said vehicle (col. 5, lines 7 - 12).

Regarding claim 16, Liu and Hammons teach all the limitations in claim 8, and Liu further teaches a remote vehicle operation system, wherein said predetermined condition relates to time (col. 6, lines 11 - 14).

Regarding claim 17, Liu and Hammons teach all the limitations in claim 8, and Liu further teaches a remote vehicle operation system, which includes a control! unit in communication with said communication unit and at least one motorized port in communication with said control unit wherein said control unit controls movement of said motorized port based on said predetermined condition (col. 7, lines 7 - 28).

Regarding claim 18, Liu and Hammons teach all the limitations in claim 17, and Liu further teaches a remote vehicle operation system, wherein said control unit compares a desired temperature to an interior temperature, and opens a door (the claimed port) should the interior temperature be higher than the desired temperature (col. 7, lines 7 - 25).

Regarding claims 23 - 24 and 27 - 28, Liu and Hammons teach all the limitations in claims 21 and 26, and Hammons further teaches that a setting of said environment conditioning system is controllable through said remote transmitter, and wherein said setting is at least one of a temperature setting and a blower setting (fig. 1, col. 2, lines 38 - 62).

Contact Information

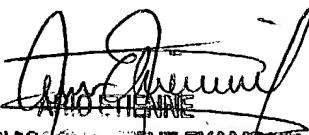
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on M-TH 7:30AM - 6: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt


September 27, 2004


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